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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,426	11/28/2000	Sylvain Devillers	PHF 99,613	7003

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER

WU, JINGGE

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 01/14/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/723,426

Applicant(s)

DEVILLERS ET AL.

Examiner

Jingge Wu

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1 and 4-7 is/are rejected.
- 7) ☐ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) Z.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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***Response to Amendment***

1. Applicants' response to the last Office Action, filed on November 10, 2003 has been entered and made of record.

***Remarks***

2. Applicant's arguments with respect to claims 1-4-6 have been fully considered, but they are not persuasive.

a. Applicant argues that AVIR does not teach the shape deformation descriptor, and thus the feature is not anticipated by AVIR.

However, in response to applicant's argument, Examiner would like to point out that claim language is given its broadest reasonable interpretation. In the instant case, AVIR clearly shows that a non-rigid object is tracked by using a descriptor such as the set edges detected in the moving region (page 18-19). The scheme is the essence of the shape deformation descriptor described in the specification.

In addition, the article "Representation and the dimensions of shape deformation" to Saund, recently submitted reference from IDS, also clearly shows that the concept of shape deformation descriptor is well known in the art.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1, 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Report on Analysis of Video segments in terms of Visual information, thereafter,

AVIR (a reference of record) in view of the article "Representation and the dimensions of shape deformation" to Saund (a reference of PTO 1449).

As to claim 1, AVIR discloses a method of coding a plurality of multimedia data comprising:

- an acquisition step, for converting said multimedia data into one or several bitstreams (page 40-42 section 4.3);

- a structuring step for capturing the different levels of information in said bitstreams by means of analysis and segmentation (page 10-11, page 40-48, section 4.3-5.3);

- a description step, for generating description data for obtained levels of information (page 50-52, section 7.22);

- a coding step, allowing to encode the description data, wherein

- a defining sub-step provided for storing a set of descriptors related to said plurality of multimedia data (page 54-55); and

- a description sub-step, provided for selecting the description data to be coded in according with every level of information as obtained in the structuring step (page 3-4, and page 54-59), and said set of descriptors includes at least a shape descriptor and a shape deformation descriptor (page 8 and 18-19 note that the parameterized shape and the set of edges detected in the non-rigid object moving region defined the shape deformation descriptor).

Even if, for argument purpose, assuming AVIR does not expressly mention shape deformation descriptor, Saund clearly teaches the deficiency.

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Saund, in an analogous environment, discloses a representation (description) for visual shape are related by the deformation of their geometries (abstract, page 685-687).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the scheme of Saund in the method of AVIR in order to efficiently obtain and represent the deformation of shape (Saund, page 684).

As to claims 4-6, claims 4-6 are the corresponding a computer-readable storage mediums, a computer program product, and a transmittable coded signal claim to claim 1. The discussions are addressed with regard to claim 1.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over AVIR and Saund in view of US 693936 to Huang et al.

As to claim 7, AVIR does not explicitly disclose a method of decoding.

Huang, in an analogous environment, discloses a decoding method,

Comprising:

- a decoding step (fig. 9, col. 9, lines 11-34);
- a storing step (fig. 9, col. 9, lines 11-34);
- a searching step, actuated by an user (fig. 9, col. 9, lines 11-34); and
- a retrieval step, on the basis of the actuated search, and the stored decoded signals (fig. 9, col. 9, lines 11-34).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the scheme of Huang in the method of AVIR in order to obtain accurate multimedia information at the client side (Huang, col. 1-3).

***Allowable Subject Matter***

6. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 3 depend from claim 2 are, therefore, objected.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

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8. Any inquiry concerning this communication or earlier communications should be directed to Jingge Wu whose telephone number is (703) 308-9588. He can normally be reached Monday through Thursday from 8:00 am to 5:30 pm. The examiner can be also reached on second alternate Fridays.

Any inquiry of a general nature or relating to the status of this application should be directed to TC customer service whose telephone number is (703) 306-0377.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Amelia Au, can be reached at (703) 308-6604.

The Working Group Fax number is (703) 872-9314.

Jingge Wu

Primary Patent Examiner

